

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: AUGUST 13, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL, subject to:**

1. The limits of this Petition of Vacation shall be the public sewer easement located within Assessor Parcel Number #140-30-301-001, generally located at the southeast corner of Pecos Road and Washington Avenue granted by document #1732:1691736.
2. Provide a sewer relocation/abandonment plan acceptable to the Collection System Planning Section of the Department of Public Works prior to the recordation of the Order of Vacation. This Petition of Vacation shall not record until civil improvement plans are approved by the City of Las Vegas, a temporary sewer easement is submitted overlying the vacation limits, and an easement for the new sewer alignment is submitted. The temporary easement shall remain on file until the relocated sewer is accepted for use by the City of Las Vegas; Otherwise, the temporary sewer easement may be recorded by the City of Las Vegas if the sewer relocation is not completed within one year of civil plan approval.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. All development shall be in conformance with code requirements and design standards of all City Departments.

**VAC-35041 - Conditions Page Two**  
**August 13, 2009 - Planning Commission Meeting**

6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**VAC-35041 - Staff Report Page One**  
**August 13, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject property is currently an undeveloped lot surrounded by a City park as well as single and multi-family residential dwellings. This request proposes to Vacate a 10-foot wide public sewer easement which is necessary to facilitate construction of a phased commercial development beginning with a convenience store on the northwest corner of the subject property. If denied, the applicant must redesign the proposed site plan so the proposed structures do not encroach into the existing public sewer easement.

**ISSUES:**

- The applicant has indicated that this request is being submitted to fulfill Condition of Approval number 17 of a previously approved Site Development Plan Review (SDR-28320), which required Vacation of the subject easement.
- Since the proposed Vacation is consistent with Condition of Approval number 17 of the approved Site Development Plan Review (SDR-28320), staff recommends approval of the request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/11/80	The Board of City Commissioners approved a Reclassification of Property (Z-0056-80) from R-1 (Single-Family Residential) to R-PD12 (Residential Planned Development -12 Units per Acre) generally located on the southeast corner of Washington Avenue and Pecos Drive. The Planning Commission recommended approval of this request.
11/15/00	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0025-00) from M (Medium Density Residential) to SC (Service Commercial), a request for a Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0079-00(1)] with a Waiver of the required landscaping for a proposed 21,425 square-foot commercial center on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests.
02/05/03	The City Council approved a request for an Extension of Time (EOT-1287) on an approved Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 3.05 acres adjacent to the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of this request.

**VAC-35041 - Staff Report Page Two**  
**August 13, 2009 - Planning Commission Meeting**

09/17/08	The City Council approved a request for a Rezoning (ZON-28325) from R-1 (Single Family Residential) to C-1 (Limited Commercial) zone designation; a request for a Variance (VAR-28326) to allow a 11.33-foot setback where residential adjacency standards require 60 feet for a proposed retail development; a request for a Special Use Permit (SUP-28323) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed convenience store with a Waiver to allow a 100-foot distance separation where 400 feet is required from a City Park; and a request for a Site Development Plan Review (SDR-28320) for a 4,618 square-foot convenience store with fuel pumps, a 748 square-foot restaurant with drive-thru, a 2,608 square-foot restaurant with drive-thru and a 9,449 square-foot retail building with a Waiver to allow a six-foot three-inch landscape buffer where eight feet is required at the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of this request.
05/15/09	A deed was recorded for a change of ownership.
<b><i>Related Building Permits/Business Licenses</i></b>	
No relevant building permit or licensing history exists pertaining to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was neither required nor held for this Vacation request.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was neither required nor held for this Vacation request.	
<b><i>Field Check</i></b>	
07/08/09	During a routine site inspection, staff observed a relatively flat and undeveloped site with numerous political advertising signs on the property.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.78

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped [Proposed Retail Development – per SDR-28320]	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Multi-Family Residences	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Multi-Family Residences	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)

**VAC-35041 - Staff Report Page Three**  
**August 13, 2009 - Planning Commission Meeting**

West	City of Las Vegas Public Park	PR-OS (Parks/ Recreation/Open Space)	C-V (Civic)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **LEGAL DESCRIPTION**

A request has been submitted by Rebel Oil Company Incorporated to Vacate a public sewer easement generally located on the eastside of Pecos Road, approximately 150 feet south of Washington Avenue.

The above property is legally described as follows:

A portion of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section 30, Township 20 South, Range 62 East, M.D.M.,

## **ANALYSIS**

### ***A) Planning discussion***

This is a request to Vacate a 10-foot wide public sewer easement generally located on the eastside of Pecos Road, approximately 150 feet south of Washington Avenue. The applicant has indicated that this request is being submitted to fulfill Condition of Approval number 17 of a previously approved Site Development Plan Review (SDR-28320), which is required prior to the issuance of any permits or recordation of a map for this site. Since the proposed Vacation is consistent with the Conditions of Approval number 17 of the approved Site Development Plan Review (SDR-28320), staff recommends approval of the request.

### ***B) Public Works discussion***

This Vacation application proposes to vacate existing public sewer easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

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**VAC-35041 - Staff Report Page Four**  
**August 13, 2009 - Planning Commission Meeting**

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 28

**SENATE DISTRICT** 10

**NOTICES MAILED** 110

**APPROVALS** 1

**PROTESTS** 0